

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

WP(C).No. 7618 of 2007(S)

OP.679/2005 of FAMILY COURT,KOZHIKODE
.....

PETITIONER:

1. A.ANIL KUMAR, S/O GOVINDAN,
GOVIND 32/902 A, CHELAVOOR AMSOM,DESOM,
KOZHIKODE.
2. CHANDRIKA, W/O GOVINDAN,
RESIDING -DO-.

BY ADV. SRI.T.A.RAMADASAN

RESPONDENTS:

SMITHA, D/O NANU,
'ANUGRAHA' HOUSE NO.2/747,
PUTHUKULANGARA PARAMBU,
KACHERI AMSOM AND DESOM,
KOZHIKODE TALUK.

BY ADV. SMT.K.V.RESHMI

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

W.P(C)No.7618 /2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF THE O.P.NO.679/05 FILED BY THE RESPONDENT BEFORE THE FAMILY COURT DT. 4-11-05

EXT.P2. TRUE COPY OF THE IA 1435/05 FILED BY RESPONDENT DATED 4-11-05

EXT.P3. TRUE COPY OF THE ORDER OF THE FAMILY COURT, CALICUT IN IA 1435/06 IN OP 679/05 DATED 7-11-05

EXT.P4. TRUE COPY OF THE OBJECTION FILED BY 1ST PETITIONER IN IA 1435/05 DATED 9-1-06

EXT.P5. TRUE COPY OF THE ORDER OF THE FAMILY COURT IN IA 1307/06 IN IA 1435/05 IN OP 679/05 DT. 18-12-06

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

W.P(C)No.7618 of 2007

Dated this the 5th day of October, 2007

JUDGMENT

Kurian Joseph,J.

The grievance is on Ext.P5 order passed by the Family Court, Kozhikode in I.A.No.1307/2006 in I.A.NO.1435/2005 in O.P.NO.679/2005. Petitioner moved the Family Court for lifting the attachment on furnishing bank guarantee. But the Family Court, taking note of the fact that the bank guarantee was alive only upto 6-11-2007, declined to accept the bank guarantee observing also that the case was not liable to be disposed of before November 2007. Learned counsel for the petitioners submits that they are prepared to keep alive the bank guarantee till the original petition itself is disposed of.

Accordingly we dispose of the writ petition with the following directions.

(1) There will be a direction to the Family Court, Kozhikode to dispose of O.P.No.679/2005 within a period of one year from the date of receipt of a copy of this judgment.

(2) On the appellants furnishing a bank guarantee which is

alive for a period of two years from today the conditional attachment will be lifted by the Family Court.

(3) If in any event the original petition is not disposed of within the time as directed above, the appellant shall keep alive the bank guarantee till the original petition pending before the Family Court is finally disposed of.

(KURIAN JOSEPH, JUDGE)

(HARUN-UL-RASHID, JUDGE)

ahg.